IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION No. 26443 OF 2000

Date:08.08.2007

BETWEEN:

M/s. Binjusaria Extractions Limited
Rep. by Executive Director Mr. Ravinder Kedia.

…. PETITIONER

And

1. Transmission Corporation of A.P. Limited, rep. by its Managing Director, Vidyut Soudha, Hyderabad and others.

…. RESPONDENTS

ORAL ORDER:

The petitioner, who is an electricity consumer, filed this writ petition questioning the demand raised by the second respondent towards fuel cost adjustment charges for the years 1996-97 and 1997-98 through its letter No.SE/OP/S/SAO/JAO/HT/D.No.990, dated 13.12.2000 and calling upon it to clear the short fall of Rs.2,31,151/- payable by it, contending that the same was not in conformity with the notification issued by the respondent corporation in B.P.Ms.No.62, dated 28.12.1998 and so the demand is misconceived and has to be revised, in which event the petitioner gets refund of Rs.2,84,391/-.

This Court in W.P.Nos.3293, 3057 & 3956 of 1995 dated 7.03.2006 considered the demand of fuel cost adjustment charges for the year 93-94 holding that the freight charges taxes payable on the entire coal supplied and fuel amounts spent by the Board have to be taken into consideration for the increase of base price, the final adjustment of fuel cost appears to be reasonable calculation not only the base price but also the taxes and freight charges, which were incurred by the Board have to be added to the actual amount spent by the Board for the cost of coal and oil.

In view of the same, the submission made by the learned counsel for the petitioner that the figures either short fall or excess arrived by the third respondent are not proper, cannot be accepted. Accordingly, the Writ Petition is dismissed.

However, the learned counsel for the petitioner submits that since 1/4th of the amount has already been deposited, he may be

granted time for depositing the balance amount. In view of dismissal of writ petition, it is for the respondents to calculate the balance amount payable by the petitioner along with surcharge amount, if any levied as per the Rules, to be notified to the petitioner. However, time is granted to the petitioner for depositing the balance amount on or before 30th August 2007.

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(A. GOPAL REDDY, J.)

8th August, 2007
Js.